

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
MAYILADUTHURAI.**

**PRESENT: TMT. S. TAMILSELVI, B.A., L.L.M., Dip. In (J.J & J.P)
CHIEF JUDICIAL MAGISTRATE,
MAYILADUTHURAI.**

Dated this Thursday the 04th day of June 2026.

SESSION CASE No.115/2025

CNR. No. TNMY02-005450-2025

(This case in P.R.C. No.47/2008 committed by the Judicial Magistrate No.I, Mayiladuthurai, concerned in Crime No.307/2008 of Mayiladuthurai Police Station)

1. Name of the Complainant : State of Tamil Nadu
through the Inspector of Police,
Mayiladuthurai Police Station.
(Crime No.307/2008)
2. Name of the Accused : A8. Viji @ Vijayan,
S/o. Rajadurai,
North Street, Nidur,
Mayiladuthurai Taluk.

(For the sake of convenience A8 Viji @ Vijayan will be referred as Accused Viji @ Vijayan.)

3. Date of arrest and bail of Accused	<u>Arrest /</u> <u>Surrendered</u> <u>date</u>	<u>Released on bail</u> <u>Date</u>
	18.03.2008	15.04.2008

4. Date of First Information Report : 24.02.2008
5. Date of Final Report : 27.06.2008
6. Date of committal : 16.08.2023
7. Date of framing of Charges : 28.03.2025
8. Charges framed against the Accused : Accused for the offence under Section 120 (b) r/w 109 r/w 307 IPC.
9. Plea of the Accused : Not guilty.
- | 10. Examination of Witnesses | | <u>Date of Chief examination</u> | <u>Date of Cross examination</u> |
|------------------------------|---|----------------------------------|----------------------------------|
| PW1 | : | 12.08.2025 | 12.08.2025 |
| PW2 | : | 12.08.2025 | 12.08.2025 |
| PW3 | : | 23.09.2025 | 23.09.2025 |
| PW4 | : | 07.10.2025 | 07.10.2025 |
11. Applications filed : Nil.
12. Questioning u/s 351 BNSS. : 04.06.2026
13. Accused absconding Details :
14. Stay Order Details :
15. Finding of the Judge : The Accused found not guilty

16. Sentence or order : **In the result, this court holds that the prosecution has miserably failed to establish the guilty of Accused and Accused acquitted u/s 235(1) Cr.P.C for the offence u/s 120 (b) r/w 109 r/w 307 IPC. The case property in C.P. No. 14/2024, Veecharuval in this case is ordered to be destroyed after the appeal time is over. The case property in C.P. No. 14/2024, Yellow Color Auto bearing Reg No.TN51U0054 was already returned on interim custody to A3 Kolanjirajan @ Bawa on executing the bond and the bond is ordered to be cancelled and he can retain the the Auto forever and after the appeal time is over.**

17. Advocate for the Prosecution : Tmt. A. Annalakshmi

18. Advocate for the Accused : ---

This case having stood over for consideration before me, and coming on for final hearing in the presence of Tmt. A. Annalakshmi, learned Additional Public Prosecutor for the state and after having considering the materials available on record, and after hearing both sides, this court delivers the following:

JUDGMENT

1. The Inspector of Police, Mayiladuthurai Police Station has filed a charge sheet stating that accused kumar told to accused Kolanjirajan to instruct witness Vinoth to demand money from arrack seller, for the expenses of accused Sathya, Viji and due to that accused Kolanjirajan threatened witness Vinoth and witness Vinoth demanded and gave money to Kolanjirajan two times and in continuation to that, prior to one week of 24.02.2008, accused Kolanjirajan instruct witness Vinoth to demand money for the expenses of Sunkangate and due to that, there was a enmity between accused Kolanjirajan and witness Vinoth. On 24.02.2008 accused Kolanjirajan along with accused Ramraj, Boobalan told to witness Vinoth, that accused Kumar, Sathya, Viji instructed to kill witness Vinoth, if he was not paying money for their expenses. In continuation of that, on 23.02.2008 at about 6.00 P.M., when witness Vinoth was going at Thoppu Street, Thiruvilandhur, accused 1 to 5 with an intention to kill witness Vinoth, restraint him by stopping the Auto bearing Reg. No. TN 51 U 0054 before him and abused Vinoth in filthy language and with a Veechu Aruval attempted to kill witness Vinoth and witness Vinoth escaped by pushing them away and hence the Investigating Officer filed the charge sheet against 1st accused Ramraj u/s 147, 148, 341, 307 IPC & section 25 (1-B) (b) Arms Act, against 2 to 5th accused u/s 147, 148, 341, 307 r/w 149 IPC, against 6 to 8th accused u/s 109, 120(b), r/w 307 IPC.

2. The Judicial Magistrate No.I, Mayiladuthurai took the charge sheet filed against 1st accused Ramraj u/s 147, 148, 341, 307 IPC & section 25 (1-B) (b) Arms Act, against 2 to 5th accused u/s 147, 148, 341, 307 r/w 149 IPC, against 6 to 8th accused u/s 109, 120(b), r/w 307 IPC and 1st accused Ramraj died and charge abated against him. On appearance, copies furnished to A2, A3, A4 & A6 at free of cost u/s 207 Cr.P.C. Since the case is triable by the court of session, the Learned Judicial Magistrate committed the case to Hon'ble Principal District Judge, Mayiladuthurai u/s 209 Cr.P.C. Later the case was made over to this court for trial. A2, A3, A4, A6, A8 appeared in person before this court. When the A2, A3, A4, A6, A8 were questioned about the offence alleged to have been committed by him, he denied his involvement in the commission of said offence. On hearing both side and based on the materials available on record, charges u/s . as against the A2, A3, A4, A6, A8 were framed, read over, explained and when questioned, A2, A3, A4, A6, A8 denied the charges u/s 147, 341, 307 r/w 149, 120(b) IPC as against A2, A3, A4 u/s 120(b) r/w 109 r/w 307 IPC as against A6 & A8 were framed, read over, explained and when questioned, A2, A3, A4, A6, A8 denied the charges. Non-Bailable Warrant was issued against the 8th Accused on 08.10.2025 and the Non-Bailable Warrant has not been executed till date. Therefore, the 8th accused split up from SC. No. 84/2023 case as SC. No.115/2025. For the sake of convenience A8 Viji @ Vijayan will be referred as Accused Viji @ Vijayan.

3. From the side of the prosecution, totally 7 witnesses were cited and PW1 to PW4 were examined and Ex.P.1 to Ex.P.6 were marked to establish the case of the prosecution.

4. The case observed from the evidence of Prosecution side witnesses is summarized in short of follows :-

Eye witnesses PW1 Siva, PW3 Babu, PW2 Hearsay witness Kaliyamoorthy examined and treated as hostile and cross examined by the prosecution. LW1 Vinoth died and Death Certificate produced.

PW4 Inspector of Police Selvaraj in his evidence deposed that on 24.02.2008 at about 7.00 A.M., witness Vinoth gave a complaint and registered a FIR in Crime No. 307/2008, u/s. 147, 148, 307 r/w 109, 120(b) IPC. Further he prepared Observation Mahazar & Rough Sketch in the presence of witnesses Baskaran, Senthil Kumar. He enquired witness Vinoth, Kaliyaperumal and recorded their statement. On receipt of secret information, he arrested accused Ramaraj, Boobalan, Kolanji and recorded their confession statement in the presence of witnesses Siva, Babu and based on the confession statement, seized a Auto bearing Reg No. TN 51 U 0054 & Aruval from accused Kolanji in seizure mahazar in the presence of same witnesses. Further he recorded the statement of witnesses Siva, Babu. Further he deposed that accused Ramaraj, Boobalan, Kolanji produced before Magistrate along with case property. Further he deposed that on 18.03.2008, he requested for PT warrant for accused Viji, Ranjithkumar and Sathya @ Sathyaraj, who were in Trichy Central Jail and remanded in this case. On 15.03.2008, accused Prabhu obtained Anticipatory bail from Hon'ble High Court, Madras. After completing his investigation, he filed the Charge sheet against the accused 1st accused Ramraj u/s 147, 148, 341, 307 IPC & section 25 (1-B) (b) Arms Act, against 2 to 5th accused u/s 147, 148, 341, 307 r/w 149 IPC, against 6 to 8th accused u/s 109, 120(b), r/w 307 IPC.

5. After examination of 4 witnesses, Prosecution side evidence was closed. Accused was questioned U/s 351 BNSS about the incriminating evidence against them and Accused denied the evidence given by the prosecution witness as false and when Accused was questioned about his side examination and he stated that he had no witness for examination on the defense side and hence defence side evidence closed.

6. Now the question for determination is that whether the prosecution successful in establishing the guilt of accused beyond all reasonable doubts ?

Point :-

7. The case of the prosecution is that A1 Prabhu along with the accused Ramaraj, Bala, Kolajirajan, Ranjith cited abused witness Vinoth in filthy language on 23.02.2008 and attempted to kill him by Veechu Aruval and charged u/s 147, 148, 341, 307 r/w 149 IPC and A2 Sathya along with accused kumar, Viji while he was central jail, Trichy conspired and abetted accused 1 to 5 to kill witness Vinoth and hence charged u/s 109, 120(b), r/w 307 IPC.

8. This court after perusing the materials on record charged against Accused u/s 120 (b) r/w 109 r/w 307 IPC. Eye witnesses PW1 Siva, PW3 Babu, PW2 Hearsay witness Kaliyamoorthy turned hostile and cross examined by the prosecution. Defacto Complainant Vinoth died. Further another witness Siva turned hostile and cross examined by the prosecution in the parent case SC. 84/2023. Hence this court felt that it is not safe to conclude that accused committed an offence alleged by the prosecution by the evidence of PW4 Investigating Officer Selvaraj alone. Therefore this court comes to conclusion

that charges against the accused not proved by the prosecution beyond reasonable doubt.

9. In the result, this court holds that the prosecution has miserably failed to establish the guilty of Accused and Accused acquitted u/s 235(1) Cr.P.C for the offence u/s 120 (b) r/w 109 r/w 307 IPC. The case property in C.P. No. 14/2024, Veecharuval in this case is ordered to be destroyed after the appeal time is over. The case property in C.P. No. 14/2024, Yellow Color Auto bearing Reg No.TN51U0054 was already returned on interim custody to A3 Kolanjirajan @ Bawa on executing the bond and the bond is ordered to be cancelled and he can retain the the Auto forever and after the appeal time is over.

Dictated by me to Steno-Typist, transcribed by her, corrected and pronounced by me in open court, this the 04th day of June 2026.

Chief Judicial Magistrate,
Mayiladuthurai.

PROSECUTION SIDE WITNESSES :

Prosecution Witness No.	Date of witness	Name of witness	Description
PW1	12.08.2025	Siva	Eye witness
PW2	12.08.2025	Kaliyaperumal	Hearsay witness.
PW3	23.09.2025	Babu	Eye witness.

PW4	07.10.2025	Selvaraj	Investigating Officer.
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PROSECUTION SIDE DOCUMENTS :

Exhibit No.	Description of the Exhibit	Proved by / Attested by
Ex.P.1	Complaint.	PW4
Ex.P.2	First Information Report.	PW4
Ex.P.3	Observation Mahazar.	PW4
Ex.P.4	Rough Sketch.	PW4
Ex.P.5	Seizure Mahazar.	PW4
Ex.P.6	Form 91.	PW4

PROSECUTION SIDE MATERIAL OBJECTS : NIL.

ACCUSED SIDE WITNESSES, DOCUMENTS AND MATERIAL OBJECTS : NIL.

Chief Judicial Magistrate,
Mayiladuthurai.